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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,751	12/08/2000	Cheryl Ann Letson	12513	3917

7590 06/25/2003

Aldo Noto  
Dorsey & Whitney  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004

EXAMINER

PATEL, TAJASH D

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/577,751

Applicant(s)

LETSON ET AL.

Examiner

Tejash D Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 27 September 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (US 1,451,095) in view of Gallinot et al. (US 5,970,525).

Greene discloses a protective apron that extends from the chest to the feet, col. 2, line 1 which is secured to the apron by adjustable straps attached with respective buckles, which forms a neck strap (7), a waist strap (8), thigh straps (10) and ankle straps (12). Further, the apron defines a bib (2) with leg panels (3,4) integrally connected thereto, with the respective straps connected thereto as shown in figure 4. Furthermore, a pocket (14) is attached to the bib as shown in figure 2. However, Greene does not show foot covers being connected to the leg panels.

Gallinot et al. (herein after Gallinot) discloses a removable leg panel (22) which is connected to a protective foot cover/panel (25) having straps (32) connected thereto as shown in figures 1-3 and 5.

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It would have been obvious to one skilled in the art to form the apron of Greene with a feet cover as taught by Gallinot, so the foot is protected when the device is worn about the body.

With regard to claim 6, it would have been obvious to one skilled in the art to form the adjustable straps of Green so that it is attached by tying about the body as conventionally known in the art as an equivalent means of fastening the apron.

With regard to claims 9, page 1, col. 1, lines 53-54, states that the apron is made of a rubberized flexible material. Therefore, it would have been obvious to one skilled in the art to form the apron of Greene from a vinyl which has properties of being water resistant.

With regard to claim 10, the specification offers no unexpected results arising from the apron being made of canvas. Therefore, it would have been obvious to one skilled in the art to form the apron of Green from the desired material available at the time the device was constructed.

With regard to claim 11, it would have been obvious that the apron of Green when viewed with Gallinot is disposable as required for a particular application thereof.

With regard to claim 15, it would have been obvious to provide the apron of Green with a design on the bib as a matter of design choice.

3. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene in view of Gallinot as applied to claim 1 above, and further in view of Lyons (US 889,470).

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Greene discloses the invention as set forth above except for showing the a tool loop and a pencil holder being attached to the bib.

Lyons discloses an apron defining a bib (1) having a tool loop (5) and a pencil holder (9), page 1, ( col. 1, line 47- col. 2, line 51) as shown in figures 1-3.

It would have been obvious to one skilled in the art to provide the bib of Green when viewed with Gallinot having a tool loop and a pencil holder as taught by Lyons. Doing so, would allow the desired items to be carried within the respective pockets or as required for a particular application thereof.

#### ***Response to Amendment***

4. The arguments and amendment received on 9/27/02 had been considered and duly noted. In view of such the objection to the abstract and 112-2nd has been withdrawn. However, the arguments are moot in view of newly applied prior art references. This office action is being made new -non Final.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (703) 306-9184. The fax phone number for this group is (703) 305-3580.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached on (703) 305-1025.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

Patel/tp

June 18, 2003

A handwritten signature in black ink, appearing to read 'Tejash Patel', with a long horizontal stroke extending to the right.

Tejash Patel

Patent Examiner

AU 3765